STATE OF NEW YORK

10024

IN ASSEMBLY

January 30, 2026

Introduced by M. of A. ROMERO -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to certain guilty pleas

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(i) A defendant, with both the permission of the court and the consent of the people, may enter a plea of guilty as authorized by this section, notwithstanding the provisions of paragraphs (a), (b), (c), (d), (f) and (h) of this subdivision, when upon review of the nature and circumstances of the criminal conduct, the available evidence and the history and character of the defendant, the prosecutor and the court are of the opinion that the plea permitted by this paragraph is in the interest of justice. The factors warranting the plea shall be placed on the record; provided, however, the failure to do so shall not entitle the defendant to have the plea of guilty set aside.

§ 2. Paragraph (b) of subdivision 3 of section 220.30 of the criminal procedure law is amended by adding a new subparagraph (x) to read as follows:

(x) A defendant, with both the permission of the court and the consent of the people, may enter a plea of guilty as authorized by this section, notwithstanding the provisions of subparagraphs (i), (ii), (iii), (iv), (v), (vi), (vii), and (ix) of this paragraph, when upon review of the nature and circumstances of the criminal conduct, the available evidence and the history and character of the defendant, the prosecutor and the court are of the opinion that the plea permitted by this subparagraph is in the interest of justice. The factors warranting the plea shall be placed on the record; provided, however, the failure to do so shall not entitle the defendant to have the plea of guilty set aside.

§ 3. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (j) to read as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(j) (i) Notwithstanding any contrary provision of article seventy of the penal law, in any case where the defendant appears to be a second felony offender or a second felony drug offender pursuant to section 400.21 of this part, a second violent felony offender pursuant to section 400.15 of this part or a persistent violent felony offender pursuant to section 400.16 of this part, the defendant may, under the conditions set forth in this paragraph, enter a plea of guilty to an offense with the sentence for such offense being any sentence authorized for such offense in the case of a defendant without any such status as a predicate felon. The court shall treat any such promise in the same manner it would any other lawful sentence promise in connection with a plea of guilty.

(ii) The people may require, as a condition of any such plea, that the defendant be adjudicated as a second felony offender, second felony drug offender, second violent felony offender or persistent violent felony offender, as the case may be, or may waive any such adjudication; provided, however, that if the people require any such adjudication and the defendant has not agreed to it as a condition of the plea, the defendant may withdraw such plea prior to the imposition of the sentence.

(iii) The sentencing of a defendant pursuant to any such plea shall not impact whether any conviction is considered a predicate felony or predicate violent felony conviction under the penal law or this chapter for any reason other than the lawful term of the imposed sentence under this subdivision.

(iv) A plea of guilty may be entered under this paragraph, and a sentence authorized by this paragraph may be imposed, only with both the permission of the court and the consent of the people and when, upon review of the nature and circumstances of the criminal conduct, the available evidence and the history and character of the defendant, the prosecutor and the court are of the opinion that the plea and sentence permitted by this paragraph are in the interest of justice. The factors supporting such opinion shall be placed on the record; provided, however, the failure to do so shall not entitle the defendant to have the plea of guilty or the sentence set aside.

§ 4. This act shall take effect immediately and shall apply to pleas entered and sentences imposed on or after such date.